

**Newfields Planning Board Meeting  
February 19, 2009**

**Attendance:** William Meserve, John Hayden, Mark Bouzianis, Michael Todd, Michael Woodworth and Clay Mitchell. Absent from the meeting was Michael Price and James Daley.

Chairman Meserve called the meeting to order at 7:03pm.

**Mary & James Vienneau 10-Lot Subdivision Old Lee Road**

Attorney Battles introduced consultant Luke Hurley from Gove Environmental and then addressed the Board. At the December meeting the density calculations and area of the open space land were reviewed. A preliminary conditional use permit was discussed. The DES wetlands permit has been received and will be submitted. Two waivers were requested and granted at the last meeting and they are now indicated on the new plan dated February 19, 2009. The Road Agent Brian Knipstein met with Jonathan Ring and discussed the road radius. West Environmental reviewed the Environmental Impact Study of Gove Environmental. A list of concerns was identified and has been addressed. A letter from West Environmental is on file. Attorney Battles did contact Town Counsel Fran Lane to discuss the preliminary draft of the Development Agreement. The Homeowners Association Documents and Restrictive Covenants were also submitted for review. Attorney Lane requested that the homeowners documents include language to restrict the further use of the open space with respect to RSA 674:21-a. Attorney Battles has no objection to adding open space language to the documents but in his opinion the conservation subdivision covenants is more controlling over the use of the property.

Jonathan Ring from Jones & Beach Engineering reviewed the plan dated February 19, 2009. Two notes (#18 & #19 on Sheet A) have been added to the plan at Fran Lane's request. Changes have been made (Sheet D-2) per Civilworks regarding type elevations of the gravel wetlands and pipe outlet inverts in the catch basin.

All engineering has been completed. The plans have been given to the Road Agent and Fire Chief and they are satisfied. The density plan has been included in the plan set. It shows that the land in the 100 year floodplain is excluded from the density formula and the baseline density is 10.16.

Bill Meserve asked what happened to the right of way and recreation area that was shown on previous plans. Jonathan apologized for deleting them in error and explained that the 10-foot easement trail will run along the boundary line of lots 6 & 7. The recreation area will be a 1,000 square foot area defined with metes and bounds. Bill Meserve would like to see the trail marked with granite posts.

Bill asked what the purpose was of the 16-foot easement along the edge of the roadway. Jonathan explained that these easements are recommended for underground utilities, cables and the placement of transformers. The easement will help to feather out the

grading. Bill asked if the easement had an impact on the open space calculation or lot size. Attorney Battles explained that the easement is for the limited purpose of maintenance and does not affect lot size. Mike Todd added that easements are typically calculated in lot size.

The maintenance of easements is in the development agreement. Bill would like the agreement to be more specific on who will pay and maintain the drainage easements, gravel wetlands, etc. before and after the road being accepted. Usually the developer takes care of the maintenance before acceptance according to Attorney Battles.

Brian Knipstein mentioned that he will take over the maintenance of the easements in the right of way once the road has been accepted by the Town.

Jonathan Ring said the rain gardens have been replaced with gravel wetlands. According to Luke Hurley the gravel wetlands are pretty much self-maintaining but an annual inspection would be best. Alison commented that they will need to be cleaned out occasionally but they are pretty low maintenance. Bill thinks there should be a provision in the homeowner's documents to make sure the gravel wetlands are maintained. The purpose of them is to protect the wetlands and it is paramount that they function properly. Attorney Battles said there is language in the homeowner's documents that requires the Association to maintain access easements, rain gardens, other flora, etc. but he will review this section with Attorney Lane to make sure it is clear.

Alison asked if it was realistic to have all structures inspected after every rainfall as noted in the plan on page D2. Jonathan noted that this is a measure to prevent erosion during construction and it is done by the developer.

The septic reserve area on page C3 for lot 25.1 has been moved and changed. John Hayden questioned the usefulness of the septic reserve area shaped like a handle. In his opinion, it is not a practical 4k reserve area and it is within the well radius. He also asked about whether or not a 5k area reserve needs to be shown for the house. John Hayden said that in the past the 4k areas have been built over because if they have not been clearly shown on the plans and he doesn't want to see that happen in the future. As far as Jonathan Ring knows the plan meets all the requirements of the Town.

Bill Meserve asked what the under drains were for. Jonathan said that they collect any groundwater that may be intercepted when the road is constructed. The under drain intercepts the groundwater and drops it into a catch basin. The plan shows the under drain locations. Luke Hurley commented that the drains handle the water under the road and ground and also prevents the road from frost heaving. Bill was concerned that the under drains would drain the wetlands. He was informed that the drains will have no impact on the wetlands. A nyoplast drain is a smaller drain used in swale areas or road shoulders and they are less intrusive according to Jonathan Ring.

Bill Meserve expressed concern about the buffer areas and no-cut zones. He wants to make sure there is a mechanism in place to prevent disturbance of those areas. Attorney

Battles said the restrictions are already in the deed. It is required that the area be marked. Attorney Battles said the no-cut restriction could be added to the homeowner's documents.

After reviewing the ordinances, John Hayden noted that when the subdivision regulations were revised in 2005 the text requiring that the 5k area be shown on the plan, must have been removed. The ordinance now states the area must be adequate. As far as the septic goes, he doesn't feel it is a practical shape. As long as the other Board members are okay with its configuration, he is okay. Jonathan Ring said that they could look at improving the septic area and it could be a condition of approval.

Mark Bouzianis asked who was entitled to access the open space area. Attorney Battles stated that the Homeowner Documents give rights to residents of the Town. Non-residents are not permitted. Motorized vehicles are also prohibited.

Attorney Battles summarized the conditional use permit. The request has been revised since the December meeting. The name of the subdivision, Mitchell Hill has been added and calculations have changed slightly.

7.9.2 The parcel is 41 acres and has been redesigned several times to minimize affects on the wetlands. Current layout is the most direct and least impact on the site.

7.9.3 The applicant met with the Conservation Commission several times. An environmental impact assessment was done and an alternative analysis which resulted in several changes. The wetland impact was reduced from 53,319 sf. to 34,900 sf. And this is the best way to develop the site according to Attorney Battles. In addition, best management practices will be implemented.

7.9.4 The applicant has taken steps to minimize the wetlands impact. They include a no cut buffer zone, and filter and mulch berms to protect the wildlife habitat.

7.9.5 The project is obviously for economic advantage but it will also provide 30.09 acres of conservation open space subject to covenants. The open space shall be available to Newfields residents. It will be a direct benefit to the town residents for recreational uses.

7.9.6 The applicant will provide a performance bond and will pay all fees associated with the review of the development.

7.9.7 The project plans have been reviewed twice; by Gove Environmental Services and West Environmental.

Attorney Battles reviewed the conditions of approval items 1-9 as submitted. After conditional acceptance has been granted the applicant will come back to the Board to prove all conditions have been met. Attorney Battles requested a vote on the application.

The consensus of the Board was to wait on the conditional approval until more items have been completed. Such as:

Review of lot 25.1 well location radius. The well radius is overlapping the 4k area.

No-cut zones markers  
Pedestrian access and recreation area added to plan  
Agreement on amount of money to be placed in sidewalk fund  
Setting of bond amount  
Maintenance schedule for drainage facilities  
Transfer of easements added to development agreement  
Well testing for Old Lee Rd. residents Doane and Hall  
Modify date on condition #2 to reflect January 2009 as West Environmental review date.

A motion was made by Mike Todd and seconded by Mark Bouzianis to approve the wetlands conditional use permit and the conservation subdivision design conditional use permit. The motion carried and both conditional use permits were approved.  
Yes-3, No-2

A motion was made by Mike Todd and seconded by John Hayden to continue the hearing until next month. All were in favor and the motion carried.

#### **Marie Poole- 32 Railroad Ave. Site Plan**

Marie addressed the Board. She submitted a plan and informed the Board that she wants to rent the back building for light industrial use. The former tree service tenant has left and the building is empty. There is no water or sewer in the 900 sq. foot building but there is heat and electric. The driveway is dirt.

The Board told Marie that she will need to come back before the Board when someone rents it.

A motion was made by Mike Todd and seconded by Michael Woodworth to approve the back building to be leased for light industrial use, providing a certificate of occupancy is issued by the building inspector. The motion carried. Any changes need to be brought back before the Board.

#### **Impact Fees**

An impact fee hearing will be noticed for next month's meeting. The methodology will be discussed and fee amounts adopted.

#### **Age Restricted Housing –Non-profit update**

Clay clarified that age restricted housing is for residents 55 and older and is subject to property taxes. It is not tax exempt. Elderly housing for individuals 62 and older could be tax exempt.

#### **Nancy Kingston Warrant Article**

Bill Meserve informed the other members that Nancy Kingston has a petitioned warrant article on the ballot to allow for a special exception to operate her real estate business above the general store. The town vote does not grant her permission or a special exception. A site plan review will still be required.

**PREP Community Technical Assistance Program**

The Piscataqua Region Estuaries Partnership (PREP) is accepting applications from planning boards and conservation commissions through the Community Technical Assistance Program (CTAP). The last two years the Conservation Commission received grant money through CTAP. Bill Meserve would like us to apply again this year. **Clay did say he was allergic to CTAP so we might not get any funds this year.**

**Workshop on Commercial Development**

Bill would like to schedule a workshop on the development of the corner of Route 108 and Route 85. He would like the abutting landowner's to meet and discuss development options available to them. The public will be invited to attend.

**Proposed Retail Route 85 & Route 108**

The developer updated the Board on the project. The State owned property has not officially been declared as surplus land. Once that is done an in house appraisal is done and the land is offered for sale to the public. If the Planning Board were to write a letter to the State recommending the granting of the parcel to the adjoining landowner for commercial development it may be helpful for the developer to acquire it. A motion was made by Mike Todd and seconded by William Meserve to have Clay write a letter of interest for the developer. The motion carried.

A motion was made and seconded to adjourn the meeting at 10:17pm. The motion carried.

Respectfully submitted,

Sue McKinnon